

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

CATHY EPPINGER,)	
)	
Plaintiff,)	
)	Civil Action No. 1:21-cv-00268
v.)	
)	
THE UNIVERSITY OF TENNESSEE,)	JURY DEMAND
)	
Defendant.)	

NOTICE OF REMOVAL

TO: United States District Court
Eastern District of Tennessee
Chattanooga Division
900 Georgia Avenue,
Knoxville, TN 37402

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant The University of Tennessee removes to this Court an action commenced in the Circuit Court for Hamilton County, Tennessee, in which all jurisdictional requirements under 28 U.S.C. §§ 1331 have been met. In support of this Notice, Defendant states:

1. On July 1, 2021, an action was commenced in the Circuit Court for Hamilton County, Tennessee, entitled *Cathy Eppinger v. University of Tennessee at Chattanooga*, Civil Action No. 21C623. The claims alleged in the action arise only under Tennessee law. However, the Complaint stated that Plaintiff was awaiting her right to sue letter from the Tennessee Human Rights Commission.

2. A Summons for the Defendant was issued by the Circuit Court on July 1, 2021. The Office of the Tennessee Attorney General was served electronically with the Summons and Complaint on July 26, 2021.

3. On October 1, 2021, Plaintiff filed a Motion for Leave to File Amended Complaint that appeared to include her Amended Complaint ("Amended Complaint"). Although her motion was never ruled upon, Judge Bennett had previously entered an Order setting forth a deadline for her to amend her complaint, and Plaintiff's Amended Complaint was timely under the terms of that Order.

4. In Paragraph 49 of her Amended Complaint, Plaintiff "contends that Defendant discriminated against her based on her race and sex in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e ("Title VII").

5. Plaintiff's Amended Complaint attached a Dismissal and Notice of Rights from the U.S. Equal Employment Opportunity Commission dated July 8, 2021. Thus, the federal claim contained within her Amended Complaint was timely filed.

6. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over Plaintiff's claims against the Defendant that arise under the Constitution and laws of the United States. Accordingly, this action may be removed to this Court by the Defendant pursuant to 28 U.S.C. § 1441(a).

7. Defendant now removes to this Court all claims asserted by Plaintiff in this action. Copies of all process and pleadings served upon the Defendant to date are attached hereto as Collective Exhibit A.

8. Venue is proper in the Eastern District of Tennessee, Chattanooga Division.

9. This Notice of Removal is filed within 30 days after service of the Amended Complaint upon the Defendant.

10. The University's only appearance in this matter has been to file a Motion for Extension of time to respond to Plaintiff's original Complaint. On September 17, 2021, Judge J.B. Bennett of the Hamilton County Circuit Court entered an Order addressing several pending motions. A copy of that Order is attached to this Notice as Exhibit B.

11. Defendant is filing written notice of this Notice of Removal with the Circuit Court Clerk for Hamilton County, Tennessee at Chattanooga contemporaneously with this filing, a copy of which is attached as Exhibit C.

12. By filing this Notice of Removal, Defendant does not waive its rights to object to service, service of process, sufficiency of process, subject-matter jurisdiction, personal jurisdiction, venue, or to assert any other applicable defenses.

13. For the foregoing reasons, removal of this Civil Action to this Court is proper pursuant to 28 U.S.C. § 1331, 1441, and 1446.

WHEREFORE, PREMISES CONSIDERED, Defendant requests that this Court exercise full jurisdiction over these proceedings as provided by law.

Respectfully submitted this 1st day of November, 2021.

s/ Michael D. Fitzgerald

Michael D. Fitzgerald, BPR # 020079

Associate General Counsel

The University of Tennessee

Office of the General Counsel

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2021, a true and correct copy of the foregoing Notice of Removal was served via e-mail and U.S. first-class mail, postage prepaid, to:

Ms. Cathy Eppinger
1229 Gunbarrel Road
Chattanooga, TN 37421
keppingr@epbfi.com

s/ Michael D. Fitzgerald

Michael D. Fitzgerald